

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

OBAMA FOR AMERICA;	:	Case No. <i>2:12 cv 00636</i>
DEMOCRATIC NATIONAL	:	
COMMITTEE; and	:	
OHIO DEMOCRATIC PARTY	:	
Plaintiffs,	:	
v.	:	
JON HUSTED, in his official capacity	:	
as Ohio Secretary of State and	:	
MIKE DEWINE, in his official capacity	:	
as Ohio Attorney General	:	
Defendants.	:	

**DECLARATION OF DONALD J. MCTIGUE**

I, Donald J. McTigue, hereby declare that:

1. I am a member of McTigue and McGinnis LLC in Columbus, Ohio and a member in good standing of the bar of this Court.
2. I am counsel for Plaintiffs in this matter.
3. Attached hereto as Exhibit 1 is a true and correct copy of the legislative testimony of the American Civil Liberties Union of Ohio, provided to Senate Government

Oversight and Reform Committee & House State Government and Elections Committee on May 10, 2011 regarding Substitute Senate Bill 148 and Amended Substitute House Bill 194.

4. Attached hereto as Exhibit 2 is a true and correct copy of a study by the Ray C. Bliss Institute of Applied Politics at the University of Akron titled, "*A Study of Early Voting*" (2010).

5. Attached hereto as Exhibit 3 is a true and correct copy of the legislative testimony of Ellis Jacob, Senior Attorney at Advocates for Basic Legal Equality, provided to the Senate Government Oversight & Reform Committee on March 21, 2012 regarding Substitute Senate Bill 295 ("SB 295"), together with a data sheet compiled by Norman Robbins at Northeast Ohio Voter Advocates titled, "*Elections are About Voters, but Legislative Measure Under Consideration Ignores Voting Preferences*," dated May 24, 2011, that is cited therein.

6. Attached hereto as Exhibit 4 is a true and correct copy of Terri L. Enns, *Thoughts on HB 194 and Ohio's Referendum Process* (April 3, 2012).

7. Attached hereto as Exhibit 5 is a true and correct copy of a press release issued by Defendant Husted on December 9, 2011 titled, "Secretary of State Husted Certifies HB 194 Referendum Petition Signatures."

8. Attached hereto as Exhibit 6 is a chart summarizing the legislative changes to the deadlines for in-person early voting made by Amended Substitute House Bill 194, Amended Substitute House Bill 224, and Substitute Senate Bill 295.

9. Attached hereto as Exhibit 7 is a true and correct copy of the legislative testimony of Carrie L. Davis, Executive Director of the League of Women Voters of Ohio, delivered to the Senate Government Oversight and Reform Committee on March 21, 2012.

10. Attached hereto as Exhibit 8 is a true and correct copy of an Advisory issued by Defendant Husted to the County Boards of Elections dated October 14, 2011.

11. Attached hereto as Exhibit 9 is a true and correct copy of an October 25, 2011 letter sent by Defendant Husted to the Director and Deputy Director of the Montgomery County Board of Elections in response to a tie vote at that Board on extending its regular business hours to permit non-UOCAVA voters to vote early in-person during the three days prior to Election Day.

12. Attached hereto as Exhibit 10 is a true and correct copy of an October 27, 2011 letter sent by Defendant Husted to the Director of the Darke County Board of Elections in response to a tie vote at that Board on extending its regular business hours to permit non-UOCAVA voters to vote early in-person during the three days prior to Election Day.

13. Attached hereto as Exhibit 11 is a true and correct copy of an amendment to reinstitute absent voting on weekends and the Monday before an election, reported by House State Government & Elections regarding Substitute Senate Bill 295.

14. Attached hereto as Exhibit 12 is a true and correct copy of the legislative testimony of Eric Marshall, Manager of Legal Mobilization of the Lawyers' Committee for Civil Rights Under Law, delivered to the Ohio House of Representatives State Government and Elections Committee on May 10, 2011.

15. Attached hereto as Exhibit 13 is a true and correct copy of a press release issued by Defendant Husted on August 22, 2011 titled, "Statement by Secretary of State Husted Regarding Uniformity of Voter Outreach by Boards of Elections."

I declare under penalty of perjury that the foregoing is true and correct.

 7-17-12  
Donald J. McTigue Date